IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13889 of 2000

Between:

1 V.S.N.Benarji, S/o.Nagabhushanam.
R/o 6-3-597/11, Flat. No.24/A,
Sainath Apartments, Khairtabad, Hyderabad -500 004.
2 Contec Syndicate Pvt. Limited, Rep. Executive Director- V.Nagabhushanam.
R/o 6-3-597/11, Flat. No.24/A,
Sainath Apartments, Khairtabad, Hyderabad.

..... PETITIONER(S)

AND

1 The Engineer-in-chief (R&B), A&E.,
Erramanzil Colony, Hyderabad.
2 The Engineer-in-chief Panchayat Raj,
Hyderabad.
3 The Executive Engineer R&B, Krishna Division,
Machilipatnam, Krishna District.
4 The Executive Engineer, RWS Division, Panchayat Raj,
Amalapuram.
5 The Executive Engineer RWS (North) Division, Panchayat Raj,
Nalgonda. Nalgonda District.
6 The Commercial Tax Officer,
Khairtabad Circle, Hyderabad-500 004.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a Writ of Mandamus, or any other writ, order or direction declaring the action of the respondents in deducting tax at 4% of the turnover by invoking the amendment Ordinance No.10 of 1999 instead of 2% tax to which the respondents are entitled in view of the composing scheme of Sec.5-G of the APGST Act, 1957 and the rules made there under as arbitrary, illegal and without jurisdiction and to consequently direct the respondents to deduct the tax at source from out of the bills payable to the petitioners at 2% of the turnover as per the composing scheme of Sec.5-G of the Act and in accordance with the terms and conditions contained in the Agreements entered into, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.G.V.R.CHOUDARY

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

O r d e r: (Per BRSR,J)

It is brought to our notice by the learned standing counsel for the Department that a Division Bench of this Cou5rt in Gannon Dunkerley V State of A.P upheld the Constitutional validity of Ordinance No. 10 of 1999 which later became Act 19 of 2000.

In such view of the matter, no further cause survives in this writ petition and the same shall stand accordingly dismissed.

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B.Sudershan Reddy, J.

8th June, 2005

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Ramesh Ranganatha, J.

Grr

Copies to:

1 The Engineer-in-chief (R&B), A&E.,
Erramanzil Colony, Hyderabad.
2 The Engineer-in-chief Panchayat Raj,
Hyderabad.

3 The Executive Engineer R&B, Krishna Division,
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Nalgonda. Nalgonda District.
6 The Commercial Tax Officer,
Khairtabad Circle, Hyderabad-500 004.
7. Sri G.V.R.Choudary, Advocate (OPUC)

8. The Govt. Pleader for Panchayat Raj and Rural Development (OPUC)